

CIVIL COMPLAINT FORM TO BE USED BY A *PRO SE* PRISONER

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

FILED
HARRISBURG, PA
SEP 02 2021
PER QS
DEPUTY CLERK

ANTHONY D'AMBROSIO 72543-067
Full Name of Plaintiff Inmate Number

v.

JOHN ABOM
Name of Defendant 1

Name of Defendant 2

Name of Defendant 3

Name of Defendant 4

Name of Defendant 5

(Print the names of all defendants. If the names of all defendants do not fit in this space, you may attach additional pages. Do not include addresses in this section).

Civil No. _____
(to be filled in by the Clerk's Office)

☐ Demand for Jury Trial
☐ No Jury Trial Demand

I. NATURE OF COMPLAINT

Indicate below the federal legal basis for your claim, if known.

- ☒ Civil Rights Action under 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☐ Civil Rights Action under Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971) (federal defendants)
- ☐ Negligence Action under the Federal Tort Claims Act (FTCA), 28 U.S.C. § 1346, against the United States

II. ADDRESSES AND INFORMATION

A. PLAINTIFF

D'Ambrosio, Anthony, F
Name (Last, First, MI)
72543-067
Inmate Number
FCI ALLENWOOD
Place of Confinement
PO BOX 1000
Address
White Deer, Union, Pennsylvania, 17887
City, County, State, Zip Code

Indicate whether you are a prisoner or other confined person as follows:

<input type="checkbox"/>	Pretrial detainee
<input type="checkbox"/>	Civilly committed detainee
<input type="checkbox"/>	Immigration detainee
<input type="checkbox"/>	Convicted and sentenced state prisoner
<input checked="" type="checkbox"/>	Convicted and sentenced federal prisoner

B. DEFENDANT(S)

Provide the information below for each defendant. Attach additional pages if needed.

Make sure that the defendant(s) listed below are identical to those contained in the caption. If incorrect information is provided, it could result in the delay or prevention of service of the complaint.

Defendant 1:

Abom, John
Name (Last, First)
Lead Attorney
Current Job Title
Abom & Kutulakis, 2 West High Street
Current Work Address
Carlisle, Cumberland County, Pennsylvania, 17013
City, County, State, Zip Code

III. STATEMENT OF FACTS

State only the facts of your claim below. Include all the facts you consider important. Attach additional pages if needed.

A. Describe where and when the events giving rise to your claim(s) arose.
The events giving rise to these claims arose in January 2020, while I was being housed at Dauphin County Prison, Harrisburg, Pennsylvania. The attached copy of "INTERVIEW" was discovered by Edward J. Rymasz, he was the attorney representing me. We were preparing for an upcoming Evidentiary Hearing scheduled for January 16th, 2020, concerning Ineffective Assistance of Counsel claims. Had this transcript been made available by Mr. Abom we would have filed this sooner.

B. On what date did the events giving rise to your claim(s) occur?
The events giving rise to these claims happened during jury trial for Criminal Case Number 1:15-CR-0003 on December 12, 2017.

C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what?)
In December of 2017, Mr. Anthony D'Ambrosio (Plaintiff), was on trial and being represented by Mr. John Abom (Defendant), at the Federal Courthouse in Harrisburg, Pennsylvania. On December 12, 2017, the United States of America rested its case. It was time for Mr. Abom to begin to call our witnesses. Mr. Abom advised me in the courtroom at the close of the day that he was refusing to call any of my witnesses. I had an emotional breakdown right there that caused Mr. Abom to set up a meeting at his office that evening. I immediately lost all trust and faith in Mr. Abom, and was vocal about that. His secretary phoned me numerous times asking me to come to the office. I finally agreed when I had my friend Maria Carannante come with me to the meeting. Mr. Abom recorded this meeting to protect himself he said. During this interview Mr. Abom attempted to get a list of who I wanted to testify at trial. Mr. Abom had this information for two and one-half years. During this interview Mr. Abom told me that if some of my witnesses would show up to testify on my behalf they would be arrested. This was only the beginning. Mr. Abom attempted to tell my friend Ms. Carannante I had sex with a girl named Jasmine Saunders who testified at trial that she was intimate with my brother. Mr. Abom kept asking me what I thought each person would say. He billed the United States of America for a "private investigator" that did not interview my witnesses. Mr. Abom said he looked for people but could not find them. He should have told me that prior trial. Mr. Abom released Agent Kierkowski without putting him on the stand. Maria Carannante was at interview and he refused to ask her what her testimony would be. I was adamant that if he did not call my witnesses I wanted to testify. Taylor Fletcher was under subpoena but he never put her on. Officer Brad Kyner was under subpoena but refused to testify with no consequences. There is no strategic value in refusing to investigate and interview witnesses. That strategy would be after knowing what they may or may not say. When I questioned Mr. Abom about his misconduct he told me he was just a court-appointed attorney.
(Continued on attached page)

C. (continued)

Mr. Abom went on to inform me that my witnesses could be limited by the Court if it did not think the witnesses were relevant. It is impossible to determine the relevancy of a witness without talking to them. During this interview I told Mr. Abom I was going to bring all these issues to the Court's attention in the morning. I informed Mr. Abom that his actions were making me question his integrity. During this interview Mr. Abom and I agreed to bring all my issues to the Court's attention the following day at court. When I arrived at Court the next day Mr. Abom informed that the Court has determined that my witnesses could not testify due to time constraints. I was even told that I could not testify because the Government would have me up there for two weeks and the Court wanted this case finished before Christmas. I took what Mr. Abom said as facts because I never been in that situation before. Mr. Abom also sent inappropriate emails to Maria Caramante after I was convicted and sitting in prison. At this point its clear Mr. Abom's conduct was a violation of Mr. D'Ambrosio's Constitutional Rights.

IV. LEGAL CLAIM(S)

You are not required to make legal argument or cite any cases or statutes. However, state what constitutional rights, statutes, or laws you believe were violated by the above actions. If you intend to assert multiple claims, number and set forth each claim in separate paragraphs. Attach additional pages if needed.

Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Mr. Abom denied me the opportunity to testify at my trial after telling the jury I would. Mr. Abom refused to investigate and interview my witnesses. Mr. Abom did not provide proper Assistance of Counsel.

V. INJURY

Describe with specificity what injury, harm, or damages you suffered because of the events described above.

I had an emotional breakdown that required me being placed on medication.

I was detained in prison that is lockdown 23 hours per day. I was deprived of life without due process. Only later to be acquitted but the damage was done.

I had to physically fight for my life on a daily basis not only against the inmates but the staff as well. That fight still continues today.

VI. RELIEF

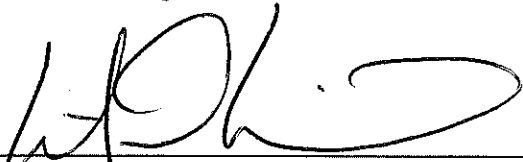
State exactly what you want the court to do for you. For example, you may be seeking money damages, you may want the court to order a defendant to do something or stop doing something, or you may be seeking both types of relief. If you are seeking monetary relief, state your request generally. Do not request a specific amount of money.

I would like the Court to award monetary damages. I would also like the Court to reprimand Mr. Abom and look into the other times he has violated his clients constitutional rights.

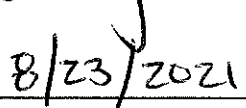
VII. SIGNATURE

By signing this complaint, you represent to the court that the facts alleged are true to the best of your knowledge and are supported by evidence, that those facts show a violation of law, and that you are not filing this complaint to harass another person or for any other improper purpose.

Local Rule of Court 83.18 requires *pro se* plaintiffs to keep the court informed of their current address. If your address changes while your lawsuit is being litigated, you must immediately inform the court of the change in writing. By signing and submitting the complaint form, you agree to provide the Clerk's Office with any changes to your address where case-related papers may be served, and you acknowledge that your failure to keep a current address on file with the Clerk's Office may result in dismissal of your case.



Signature of Plaintiff



Date

Do to the Covid-19 restrictions, access to Inmate Trust Fund is limited. As of August 23rd, 2021, I have \$2.00 on my account. I have sent electronic emails to Trust Fund to obtain this information but have received no response. I am indigent and need assistance with this matter.

Respectfully



Anthony D'Ambrosio

72543-067

LSCI ALLENWOOD

PO BOX 1000

WHITE DEER, PA 17887



ANTHONY LAMBROSIO 72543-067
 LSCA ALLENWOOD
 PO BOX 1000
 WHITE DEER, PA 17887-1000

RECEIVED
 HARRISBURG, PA

SEP 2 2021

CITY CLERK

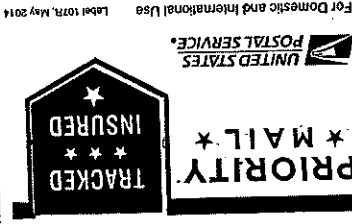
CLERK OF THE COURTS

UNITED STATES DISTRICT COURT
 MIDDLE DISTRICT OF PENNSYLVANIA

228 WALNUT STREET, PO BOX 983
 HARRISBURG, PENNSYLVANIA 17108

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 addressee. If the writer raises a question or
 problem over which this facility
 action, you may wish to request
 or further information.
 writer encloses correspondence
 to another address.
 enclosure to the writer.

Security Correctional Institution
 Allenwood, PA 17087
 9-25-21



LEGAL CORRESPONDENCE
 OPENED IN PRESENCE OF INMATE
 DATE RECEIVED
 TIME RECEIVED
 DATE DELIVERED
 TIME DELIVERED
 DELIVERED BY

USPS TRACKING® # 9505 6135 2176 1244 2697 33	
SHIP TO: PO BOX 983 Harrisburg PA 17108-0983	
EXPECTED DELIVERY DAY: 09/02/21	
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PRIORITY MAIL 1-DAY®	
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